

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT
NO:

PAUL SALAMONE,
Plaintiff

v.

ARAMARK FACILITY SERVICE, INC., and
RED ROBIN INTERNATIONAL, INC,
Defendants

COMPLAINT

PARTIES

1. The Plaintiff, Paul Salamone is an individual residing at 320 Smith Street, Attleboro, Bristol County, MA 02703.
2. The Defendant, Aramark Facility Services, Inc., (hereinafter Aramark) is a foreign corporation licensed to do business in the Commonwealth of MA, with an agent for service, CT Corporation System, 155 Federal Street, Ste 700 Boston, MA 02110
3. The Defendant, Red Robin International, Inc., (hereinafter Red Robin) is a foreign corporation licensed to do business in the Commonwealth of MA with an agent for service located 84 State Street, Boston MA 02109.

COUNT I

(Paul Salamone v Aramark Facility Service, Inc.)

4. On or about March 7, 2018, Plaintiff, Paul Salamone, was a customer at the Red Robin Restaurant located 2421 Cranberry Hwy Suite 350, Wareham, MA 02571.
5. As the Plaintiff was exiting the restaurant , he tripped and fell on a commercial rug that had been recently serviced and installed by the Defendant, Aramark.
6. The commercial rug had not been placed flat on the ground properly by Aramark employees, as parts of the edges were left sticking up and thus creating a hazard for passers-by.
7. Further, the defect created by the aforementioned rug placement was not open and obvious.

8. The actions of Aramark were the proximate cause of the accident as they had a duty exercise reasonable care in placing the commercial rug on the ground in a hazard free manner but failed to do so.
9. As a result of the actions of Aramark the Plaintiff, Paul Salamone, sustained injuries of body and mind, incurred medical expenses for medical care and lost time from his usual activities.

WHEREFORE, the plaintiff, Paul Salamone, demands judgment against the Defendant, Aramark on Count I, plus interest, and costs of this action

COUNT II

(Paul Salamone v Red Robin Gourmet Burgers, Inc.)

10. The Plaintiff repeats, realleges, and incorporates by reference as if set forth hereto in their entirety Paragraphs 1 through 19 of this Complaint.
11. On or about March 7, 2018, Plaintiff, Paul Salamone, was a customer at the Red Robin Restaurant located 2421 Cranberry Hwy Suite 350, Wareham, MA 02571.
12. As the Plaintiff was exiting the restaurant, he tripped and fell on a commercial rug that was near the exit way.
13. The commercial rug had not been placed flat on the ground properly, as parts of the edges were left sticking up and thus creating a hazard for passers- by.
14. Red Robin was the proximate cause of the incident as its employees either knew or should have known about the defect and failed to do nothing about it.
15. As a result of the actions of Red Robin the Plaintiff, Paul Salamone, sustained injuries of body and mind, incurred medical expenses for medical care and lost time from his usual activities.

WHEREFORE, the plaintiff, Paul Salamone, demands judgment against the Defendant, Red Robin Gourmet Burgers, Inc., on Count II, plus interest, and costs of this action.

THE PLAINTIFFS DEMANDS A TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted,
Paul Salamone, Plaintiff,
By His Attorney



Michael F. Suarez, BBO #: 634788
Law Office of Michael F. Suarez
258 Main Street, Suite D-2
Buzzards Bay, MA 02532
Phone (508) 759-1122
Fax (508) 759-9399

Dated: 2/8/21

CIVIL ACTION COVER SHEET		DOCKET NUMBER	Trial Court of Massachusetts The Superior Court	
PLAINTIFF(S): Paul Salamone ADDRESS: 320 Smith Street Attleboro, MA 02703		COUNTY Bristol		
ATTORNEY: Michael F. Suarez ADDRESS: 258 Main Street, Suite D-2 Buzzards Bay, MA 02532		DEFENDANT(S): Red Robin Gourmet Burgers, Inc. Aramark Corporation ADDRESS: 2421 Cranberry Highway Wareham, MA 110 Glen Street Lawrence, MA 01843		
BBO: 634788				
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)				
CODE NO. B20	TYPE OF ACTION (specify) Negligence	TRACK F	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
*If "Other" please describe:				
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses				\$ 2,867.35
2. Total doctor expenses				\$ 674.71
3. Total chiropractic expenses				\$ 3,735.00
4. Total physical therapy expenses				\$ 8,925.00
5. Total other expenses (describe below)				\$ 0.00
Subtotal (A):				\$ 16,202.06
B. Documented lost wages and compensation to date				\$
C. Documented property damages to dated				\$
D. Reasonably anticipated future medical and hospital expenses				\$ 50,000.00
E. Reasonably anticipated lost wages				\$
F. Other documented items of damages (describe below)				\$ 0.00
G. Briefly describe plaintiff's injury, including the nature and extent of injury: Plaintiff injured his knee which he had previous knee replacement and now needs to have futher surgery				TOTAL (A-F): \$ 66,202.06
CONTRACT CLAIMS (attach additional sheets as necessary)				
Provide a detailed description of claims(s):				TOTAL \$
Signature of Attorney/Pro Se Plaintiff: X				Date: 2/8/21
RELATED ACTIONS: Please provide the case number, case name, and count of any related actions pending in the Superior Court.				
CERTIFICATION PURSUANT TO SJC RULE 1:18				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
Signature of Attorney of Record: X				Date: 2/8/21

CIVIL ACTION COVER SHEET INSTRUCTIONS

SELECT CATEGORY THAT BEST DESCRIBES YOUR CASE

AC Actions Involving the State/Municipality *

- AA1 Contract Action involving Commonwealth, Municipality, MBTA, etc. (A)
 AB1 Tortious Action involving Commonwealth, Municipality, MBTA, etc. (A)
 AC1 Real Property Action involving Commonwealth, Municipality, MBTA etc. (A)
 AD1 Equity Action involving Commonwealth, Municipality, MBTA, etc. (A)
 AE1 Administrative Action involving Commonwealth, Municipality, MBTA, etc. (A)

CN Contract/Business Cases

- A01 Services, Labor, and Materials (F)
 A02 Goods Sold and Delivered (F)
 A03 Commercial Paper (F)
 A04 Employment Contract (F)
 A06 Insurance Contract (F)
 A08 Sale or Lease of Real Estate (F)
 A12 Construction Dispute (A)
 A14 Interpleader (F)
 BA1 Governance, Conduct, Internal Affairs of Entities (A)
 BA3 Liability of Shareholders, Directors, Officers, Partners, etc. (A)
 BB1 Shareholder Derivative (A)
 BB2 Securities Transactions (A)
 BC1 Mergers, Consolidations, Sales of Assets, Issuance of Debt, Equity, etc. (A)
 BD1 Intellectual Property (A)
 BD2 Proprietary Information or Trade Secrets (A)
 BG1 Financial Institutions/Funds (A)
 BH1 Violation of Antitrust or Trade Regulation Laws (A)
 A99 Other Contract/Business Action-Specify (F)

* Choose this case type if ANY party is the Commonwealth, a municipality, the MBTA, or any other governmental entity UNLESS your case is a case type listed under Administrative Civil Actions (AA).

† Choose this case type if ANY party is an incarcerated party, UNLESS your case is a case type listed under Administrative Civil Actions (AA) or is a Prisoner Habeas Corpus case (E97).

ER Equitable Remedies

- D01 Specific Performance of a Contract (A)
 D02 Reach and Apply (F)
 D03 Injunction (F)
 D04 Reform/ Cancel Instrument (F)
 D05 Equitable Replevin (F)
 D06 Contribution or Indemnification (F)
 D07 Imposition of a Trust (A)
 D08 Minority Shareholder's Suit (A)
 D09 Interference in Contractual Relationship (F)
 D10 Accounting (A)
 D11 Enforcement of Restrictive Covenant (F)
 D12 Dissolution of a Partnership (F)
 D13 Declaratory Judgment, G.L. c.231A (A)
 D14 Dissolution of a Corporation (F)
 D99 Other Equity Action (F)

PA Civil Actions Involving Incarcerated Party †

- PA1 Contract Action involving an Incarcerated Party (A)
 PB1 Tortious Action involving an Incarcerated Party (A)
 PC1 Real Property Action involving an Incarcerated Party (F)
 PD1 Equity Action involving an Incarcerated Party (F)
 PE1 Administrative Action involving an Incarcerated Party (F)

TR Torts

- B03 Motor Vehicle Negligence – Personal Injury/Property Damage (F)
 B04 Other Negligence – Personal Injury/Property Damage (F)
 B05 Products Liability (A)
 B06 Malpractice - Medical / Wrongful Death (A)
 B07 Malpractice - Other (A)
 B08 Wrongful Death, G.L. c.229 §2A (A)
 B15 Defamation (A)
 B19 Asbestos (A)
 B20 Personal Injury - Slip & Fall (F)
 B21 Environmental (F)
 B22 Employment Discrimination (F)
 BE1 Fraud, Business Torts, etc. (A)
 B99 Other Tortious Action (F)

RP Real Property

- C01 Land Taking (F)
 C02 Zoning Appeal, G.L. c. 40A (F)
 C03 Dispute Concerning Title (F)
 C04 Foreclosure of a Mortgage (X)
 C05 Condominium Lien & Charges (X)
 C99 Other Real Property Action (F)

MC Miscellaneous Civil Actions

- E18 Foreign Discovery Proceeding (X)
 E97 Prisoner Habeas Corpus (X)
 E22 Lottery Assignment, G.L. c. 10 §28 (X)

AB Abuse/Harassment Prevention

- E15 Abuse Prevention Petition, G.L. c. 209A (X)
 E21 Protection from Harassment, G.L. c. 258E(X)

AA Administrative Civil Actions

- E02 Appeal from Administrative Agency, G.L. c. 30A (X)
 E03 Certiorari Action, G.L. c.249 §4 (X)
 E05 Confirmation of Arbitration Awards (X)
 E06 Mass Antitrust Act, G. L. c. 93 §9 (A)
 E07 Mass Antitrust Act, G. L. c. 93 §8 (X)
 E08 Appointment of a Receiver (X)
 E09 Construction Surety Bond, G.L. c. 149 §§29, 29A (A)
 E10 Summary Process Appeal (X)
 E11 Worker's Compensation (X)
 E16 Auto Surcharge Appeal (X)
 E17 Civil Rights Act, G.L. c.12 §11H (A)
 E24 Appeal from District Court Commitment, G.L. c.123 §9(b) (X)
 E25 Pleural Registry (Asbestos cases) (F)
 E95 Forfeiture, G.L. c.94C §47 (F)
 E99 Other Administrative Action (X)
 Z01 Medical Malpractice - Tribunal only, G.L. c. 231 §60B (F)
 Z02 Appeal Bond Denial (X)

SO Sex Offender Review

- E12 SDP Commitment, G.L. c. 123A §12 (X)
 E14 SDP Petition, G.L. c. 123A §9(b)

RC Restricted Civil Actions

- E19 Sex Offender Registry, G.L. c.6 §178M (X)
 E27 Minor Seeking Consent, G.L. c.112 §12S (X)
 E94 Forfeiture, G.L. c.265 §56 (X)

TRANSFER YOUR SELECTION TO THE FACE SHEET

EXAMPLE:

CODE NO.	TYPE OF ACTION (specify)	TRACK	HAS A JURY CLAIM BEEN MADE?
B03	Motor Vehicle Negligence-Personal Injury	<u>F</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

DUTY OF THE PLAINTIFF - The plaintiff shall set forth, on the face of the civil action cover sheet (or attach additional sheets as necessary), a statement specifying the facts on which the plaintiff relies to determine money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served with the complaint. A clerk-magistrate shall not accept for filing a complaint, except as otherwise provided by law, unless it is accompanied by such a statement signed by the attorney or pro se party.

DUTY OF THE DEFENDANT - If the defendant believes that the statement of damages filed by the plaintiff is inadequate, the defendant may file with his/her answer a statement specifying the potential damages which may result if the plaintiff prevails.

**A CIVIL COVER SHEET MUST BE FILED WITH EACH COMPLAINT.
 FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY
 MAY RESULT IN DISMISSAL OF THIS ACTION.**

CIVIL TRACKING ORDER
(STANDING ORDER 1- 88)DOCKET NUMBER
2173CV00108**Trial Court of Massachusetts**
The Superior Court

CASE NAME:

Salamone, Paul vs. Aramark Facility Service, Inc et al

Marc J. Santos, Clerk of Court
Bristol CountyTO: Aramark Facility Service, Inc
No addresses available
,

COURT NAME & ADDRESS

Bristol County Superior Court - Taunton
9 Court Street, Rm 13
Taunton, MA 02780**TRACKING ORDER - F - Fast Track**

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		05/10/2021	
Response to the complaint filed (also see MRCP 12)		06/09/2021	
All motions under MRCP 12, 19, and 20	06/09/2021	07/09/2021	08/09/2021
All motions under MRCP 15	06/09/2021	07/09/2021	08/09/2021
All discovery requests and depositions served and non-expert depositions completed	12/06/2021		
All motions under MRCP 56	01/05/2022	02/04/2022	
Final pre-trial conference held and/or firm trial date set			06/06/2022
Case shall be resolved and judgment shall issue by			02/09/2023

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.
Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.
 This case is assigned to

DATE ISSUED

02/09/2021

ASSISTANT CLERK

Garrett Fregault

PHONE

(508)823-6588

#4

BRISTOL SUPERIOR COURT
Commonwealth of Massachusetts
FILED

BRISTOL, ss.

MAR - 4 2021

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO. 2173CV00108MARC J SANTOS, ESQ.
CLERK/MAGISTRATE
_____, PLAINTIFF(S),Paul Salamone

v.

Aramark Facility Service
Red Robin International DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO Aramark Facility Service, Inc (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Bristol Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court **and** mail a copy to Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
 - a. Filing your **signed original** response with the Clerk's Office for Civil Business, Bristol Superior Ct. Court, 9 Court St. Taunton, MA 02780 (address), by mail or in person, **AND**
 - b. Delivering or mailing a **copy** of your response to the Plaintiff's Attorney/Plaintiff at the following address: 258 Main St. Ste. D-2, Buzzards Bay, MA 02532
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "**Motion to Dismiss**," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rulesofcourt.

4. **Legal Assistance.** You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.
5. **Required information on all filings:** The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on February 15, 2021. (SEAL)

Marc J. Santos,
Clerk/Magistrate

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

PROOF OF SERVICE OF PROCESS



Suffolk County Sheriff's Department • 132 Portland Street, Boston, MA 02114 • (617) 704-6999
Suffolk, ss.

February 25, 2021

I hereby certify and return that on 2/25/2021 at 9:00 AM I served a true and attested copy of the Summons, Complaint, Cover Sheet and Tracking Order in this action in the following manner: To wit, by delivering in hand to Sequiera Lavender, agent and person in charge at the time of service for Aramark Facility Service Inc., at 155 Federal Street Suite 700 CT Corporation System Boston, MA 02110. Attest/Copies (\$5.00) Basic Service Fee (IH) (\$30.00) Conveyance (\$0.30) Postage and Handling (\$1.00) Travel (\$17.92) Total: \$54.22

Deputy Sheriff Joseph Casey

Joseph P Casey

Deputy Sheriff



21001590

#3

Commonwealth of Massachusetts
BRISTOL, ss: FILED

BRISTOL, ss:

MAR - 4 2021

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO. 2173CV00108

MARC J SANTOS, ESQ.
CLERK/MAGISTRATE
PLAINTIFF(S),

Paul Salamone

v.

Red Robin International, DEFENDANT(S)
ARARK Facility Services Inc

SUMMONS

THIS SUMMONS IS DIRECTED TO Red Robin International (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Bristol Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court **and** mail a copy to Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
 - a. Filing your **signed original** response with the Clerk's Office for Civil Business, Bristol Superior Court, 9 Court St. Taunton, MA 02780 (address), by mail or in person, **AND**
 - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: 258 Main St. Ste D-2 Buzzards Bay, MA 02532.
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "**Motion to Dismiss**," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov.courts/case-legal-res/rulesofcourt.

4. **Legal Assistance.** You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.
5. **Required information on all filings:** The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on February 15, 2021. (SEAL)

Marc J. Santos,
Clerk/Magistrate

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

PROOF OF SERVICE OF PROCESS



Suffolk County Sheriff's Department • 132 Portland Street, Boston, MA 02114 • (617) 704-6999

Suffolk, ss.

February 25, 2021

I hereby certify and return that on 2/25/2021 at 8:40 AM I served a true and attested copy of the Summons, Complaint, Cover Sheet and Tracking Order in this action in the following manner: To wit, by delivering in hand to Bernardo Montanez, agent and person in charge at the time of service for Red Robin International Inc., at 84 State Street Corporation Service Company Boston, MA 02109 . Attest/Copies (\$5.00) Basic Service Fee (IH) (\$30.00) Conveyance (\$0.30) Postage and Handling (\$1.00) Travel (\$17.92) Total: \$54.22

Deputy Sheriff Joseph Casey

Joseph P Casey

Deputy Sheriff

